

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kyle Fellers, Anthony Foote,
Nicole Foote, and Eldon Rash,

Plaintiffs,

v.

Marcy Kelley, Michael Desilets, Matt Fisk,
Bow School District, Phillip Lamy & Steve
Rossetti,

Defendants.

Case No. 1:24-cv-311-SM-AJ

DECLARATION OF MATTHEW FISK

I, Matthew Fisk, state as follows:

1. I am over the age of 18 and am of sound mind.
2. I am the Principal of the Bow High School.
3. In the summer and early fall of this year, I became aware that some parents of Bow students were planning to protest the participation of a Plymouth Regional High School student in an upcoming game at Bow.
4. One of these parents was Anthony Foote. Athletic Director Michael Desilets and I observed photographs of wristbands that Foote posted on social media. They included wristbands with various markings such as “XX,” “NAD” and the women’s gender symbol.
5. I attended the game between Bow High School and Plymouth Regional High School on September 17, 2024.
6. Anthony Foote arrived at the game early and stood at the midfield sideline, where he was handing wristbands to adults as they arrived for the game. He attempted to do this

discreetly, apparently recognizing that his actions would violate school standards.

7. After half-time I saw that Foote was wearing a wristband similar to those he had posted online. Desilets requested that he take it off, which he initially refused to do. After several requests and some argument from Foote, he removed the wristband.

8. I also noticed that Kyle Fellers was wearing a similar wristband. Desilets asked him to remove the wristband and Fellers refused to do so. I then approached Fellers and likewise instructed him to remove the wristband or leave the game. Fellers repeatedly and loudly challenged this instruction calling us “Nazis.” Fellers’ tone was elevated and angry. Fellers removed the wristband, only to pass it to Eldon Rash. Fellers was not asked to leave the game at that time.

9. Rash was sitting in a chair approximately fifteen feet from the playing field. I saw that he was now wearing the wristband and directed him to remove it, which he repeatedly refused to do. Fellers began arguing with Desilets and me on the sideline right behind Rash.

10. Bow Police Lieutenant Philip Lamy came over to where we were engaged with Fellers and Rash. Fellers continued to argue with Desilets, Fisk, and Lt. Lamy, seeking at one point to bring other spectators into the confrontation, while Rash refused to remove the wristband. At one point, Fellers claimed the wristband was to “protest breast cancer.” After Fellers again called one or both of us cowards, Desilets asked Lt. Lamy to remove Fellers from the area. Fellers then left the sidelines.

11. As this was happening, referee Steve Rosetti stopped the game. Desilets and I informed Rosetti of Rash’s insistence on wearing the wristband. Rosetti then came to the sideline and informed Rash that the behavior had disturbed the game causing him to stop play and that Rash needed to remove the wristband. Rash ignored him. In fact, he only eventually removed the

wristband when other spectators beseeched him to do so.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 2024

/s/ Matthew Fisk

Matthew Fisk